

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

\* **DOCKET NO. 2:09-CR-091**

**v.**

\* **SECTION: "S"**

**GILBERTO ZUNIGA-VALLE**

\*

**a/k/a Gilberto Zuniga-Anibal**

**a/k/a Gilberto Anibal Zuniga**

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**a/k/a Gilberto Zuniga**

**a/k/a Gilberto Zuniga Anibal**

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**FACTUAL BASIS**

\_\_\_\_\_Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **GILBERTO ZUNIGA-VALLE** (hereinafter "**ZUNIGA-VALLE**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (the "agent") would testify that on or about March 2, 2009, he encountered the defendant, **ZUNIGA-VALLE**, during criminal alien program duties at the correctional facility in St. Charles Parish, in the Eastern District of Louisiana. Upon

determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by an Immigration and Customs Enforcement agent.

The agent would testify that he conducted record checks through various Immigration and Customs Enforcement databases, which revealed that the defendant was a citizen of Mexico and illegally present in the United States.

Documentation from the records of Immigration and Customs Enforcement Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **ZUNIGA-VALLE**, was removed from the United States to Mexico on about June 23, 2004, at or near Brownsville, Texas. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual documented in the Immigration and Customs Enforcement Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **ZUNIGA-VALLE**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records and other admissible evidence would show that on or about July 30, 2003, in the One Hundred Eighty-Second District Court of Harris County, Texas, the defendant, **ZUNIGA-VALLE**, was convicted of possession of marihuana, 2,000 pounds or less but more than 50 pounds, a felony.

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ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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GILBERTO ZUNIGA-VALLE Defendant	Date
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VALERIE JUSSELIN Assistant Federal Public Defender LA Bar Roll No. 19825 Attorney for the Defendant	Date
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